



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 23 2014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7012 3460 0002 1646 0530

Mr. David J. Chiusano
Remedial Bureau E, Section A
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway, 12th Floor
Albany, New York 12233-7017

RECEIVED

SEP 26 2014

REMEDIAL BUREAU E

**Re: Former Empire Electric Company, Brooklyn, New York
Approval for Off-Site Disposal of PCB Remediation Waste under 40 CFR
§761.61(a), and for Characterization Sampling under 40 CFR §761.61(c).**

Dear Mr. Chiusano:

This is in response to the October 30, 2009 correspondence from EA Engineering, Science and Technology, Inc. (EA) regarding the former Empire Electric Company, located at 5200 1st Avenue in Brooklyn, New York. EA's correspondence was provided to the United States Environmental Protection Agency (EPA) on behalf of the New York State Department of Environmental Conservation (NYSDEC) and serves as notification of polychlorinated biphenyl (PCB) remediation activities. These activities, which are being performed as an interim remedial measure, include building demolition, limited excavation of soil from underneath the building, and off-site disposal of PCB-contaminated material. The NYSDEC intends to perform subsequent remediation activities that may require notification to EPA.

The October 30, 2009 correspondence was amended through submittal of additional information in correspondence from the NYSDEC dated May 27, 2010 and September 18, 2014. These documents will be referred to as the "Application". The PCB-contaminated material is considered to be PCB remediation waste that exceeds the cleanup levels under the federal PCB regulations at 40 CFR §761.61(a)(4).

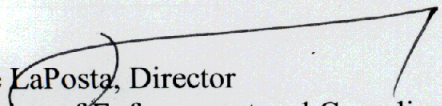
With the exception of the characterization sampling requirements under Subpart N of 40 CFR Part 761, the remediation activities meet the self-implementing disposal requirements under 40 CFR §761.61(a). Based on the characterization sampling, EPA finds that this sampling, in this proposed remediation context, is acceptable for determining off-site disposal facilities for the PCB remediation waste.

EPA hereby approves the NYSDEC's Application, and it may proceed with the remediation under 40 CFR §§761.61(a) and (c), subject to this Approval. This Approval also constitutes an order under the authority of Section 6 of the Toxic Substances Control Act, 15 U.S.C. §2605.

Please note that this Approval does not constitute a determination by EPA that the transporters or the disposal facilities selected by the NYSDEC are authorized to conduct the activities set forth in the Application. The NYSDEC is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct any such activities in accordance with all applicable federal, state and local statutes and regulations.

Should you have any questions concerning this matter, please contact James S. Haklar at (732) 906-6817 or at haklar.james@epa.gov.

Sincerely yours,


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance